

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,149	<b>Applicant(s)</b> SHIMAMURA, TETSURO	
	<b>Examiner</b> IAN JEN	<b>Art Unit</b> 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 17-20 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. <u>05/26/2009</u> .                         |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| Paper No(s)/Mail Date <u>09/25/2006</u> .  | 6) <input type="checkbox"/> Other: _____.                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is response to the amendment filed on March 12<sup>th</sup>,2009
2. Claims 1, 6, 7,9,11,13,15,21 are pending in current application.
3. Claims 1, 6, 7, 9, 11, 13, 15, 21 have been amended.
4. Claims 21 have newly added.
5. Claims 2 – 5, 8, 10, 12, 14, 16 have been cancelled.
6. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As for claim 1, the phrase, “one of plurality of map component information”, does not distinctly and particularly point out which or a distincted map component as claimed in the subject matter. Appropriate correction is required.

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***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 6, 7, 9,11,13,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida (US Pat No 5699056) in view of Myochin (US Pat Pub No 2005/0053310).

As per Claim 1, Yoshida shows a map information display control device which control a display unit to display the map information ( Fig 2, Fig 3, Col 9, lines 55- Col 12, lines 20 ), comprising: a map information acquirer which acquires a plurality of map component information (Fig 2, GPS receiver 22, receiver 12; Col 2, lines 50 - Col 3, lines65, jam information, location information); an information acquirer which acquires map component information forming the map information, the plurality of map component information respectively representing at least one of traffic information relating to a traffic status or feature information relating to a feature ( Fig 3, accident button 31A, traffic jam button 31B; Col 13, lines 40 – Col 15,lins 50, Fig 18; Col 2, lines 50 - Col 3, lines65, jam information, location information); a time information acquirer which acquires a time at which the plurality of the map component information is acquired by the information acquirer or generated to be contained in the plurality of map component information ( Fig 15, Step 102, Step 101; Col 17,lines 18 - 43 ; where the time is added when the information is obtained ); the time being a start time and a

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timer which counts an elapsed time from start time up to a current time ( Fig 15, Step 101; Col 14, lines 19-48; Col 5, lines 45 – Col 6, lines 30, clocking means, claim 10 ); a display controller which controls a display unit to display the map information and the plurality of map component ( Fig 10; Col 12, lines 54 - 62 ); Further, it is also inherent that a start time must since there is a predetermined time period where start elapsed from certain point and further where figure 15 shows the predetermined time elapsed along with a start time needed; Yoshida is silent regarding map component information of which the elapsed time exceeds a predetermined time period being displayed with a display pattern with higher transparency than the other of the plurality of map component information of which the elapsed time has not exceeded the predetermined time period.

Myochin shows map component information of which the elapsed time exceeds a predetermined time period being displayed with a display pattern with higher transparency than the other of the plurality of map component information of which the elapsed time has not exceeded the predetermined time period ( Fig 8, 13A time information 13B, mask transmittance information, 0 second to 10 second varying, alteration, accordingly with respect to the mask transmittance information, transparency, from 100% - 0%; where the time from 0 second - 10 second is the elapsed time to be calculated and used accordingly with respect to the image data alteration. Applicant's attention is further directed to para 0150 - 0152, where time 0 is starting time, time x is predetermined time, where time y is the elapsed time).

As per Claim 6, Yoshida shows the display controller changes the display pattern of the one of the plurality the map component information (Fig 15, Step 101, Step 102; Col 2, lines 20

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– 55; Col 4, lines 20 – 45; Col 2, lines 50 - Col 3, lines 65, jam information, location information).

As per Claim 7, 9, Yoshida shows a map information storage which stores the map information; and an information storage which can store plural pieces of information, in each piece each of the plurality of map component information and the time at which the each of the plurality of map component information is generated being associated; the information storage stores the plural pieces of information by associating unique identification information with each type of the map component information and the plural pieces of information by associating unique identification information with each type of the map component information. ( Fig 9, Center Computer 50, Fig 17, area id with respect to area id with preceding data, time, position, vehicle speed; Col 15, lines 20 – Col 16, lines 65; Col 17, lines 35 – col 19, lines 55 ).

As per Claim 11, Yoshida shows when information acquirer acquires updated map component information of which unique identification information is identical with the unique identification information associated with one of stored plurality of map information, information storage conducts an updating by replacing the one of stored plurality of map component information with the updated map component information ( Fig 8, transmitter 41, Fig 9, transmitter 51, Fig 62.63; Col 2, lines 50 - Col 3, lines 65, jam information, location information).

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As per Claim 13, Yoshida shows when recognizing the updating the display controller displays the updated map component information in a different pattern from the other of the plurality of map component information (Fig 9, Center Computer 50, Fig 17, area id with respect to area id with preceding data, time, position, vehicle speed; Col 15, lines 20 – Col 16, lines 65; Col 17, lines 35 – col 19, lines 55).

As per Claim 15, Yoshida shows the display controller. Yoshida does not show controller displays such that a difference in transparency becomes large as the elapsed time become long. Myochin shows controller displays such that a difference in transparency becomes large as the elapsed time becomes long. (See Fig 8, Time information 13A, Mask Transmittance Information 13B; Para 0050, 0051, 0053; Para 0139, 0144-0146; See Fig 9, S210 – S212; Para 0201, timer of timing section 135H).

It would have been obvious for one of ordinary skill in the art, to provide transparency means with respect to time, as taught by, to Myochin, in order to provide improved visual signification at the time of the invention

### ***Response to Arguments***

**11.** Applicant's arguments with respect to newly recited claim limitation of claim 1 have been considered and reviewed but are moot in view of the new ground(s) of rejection.

**12.** In response to applicant's remark that Myochin does not disclose alteration of transparency in according with an elapsed time from the time at which each of the information is

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generated or acquired. Applicant's attention is directed to Fig 8, 13A time information along with 13B, mask transmittance information, where the time information starting from 0 second to 10 second varying, alteration, accordingly with respect to the mask transmittance information, transparency, from 100% - 0%.

In response to applicant's remark that Myochin is not related to the particular feature of Yoshida as for scale of the accident, the number of involved vehicles. Applicant is noted that the scale of the accident, the number of involved vehicle is not necessitating by applicant's claim limitation nor the particular feature is definitely necessary. Further, Myochin also discloses arranging image data into stripe shape data, see Para 0160. Further, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In this instant case, Myochin provided an teaching for an particular image/data display method that is primarily used in the car navigation system, see Para 0004; it therefore would be obvious for one of ordinary skill in the art to provide image/data display method of Myochin to the traffic information system as supplied by Yoshida.

In response to applicant's remark that Myochin disclose a predetermined time but not related to elapsed time of Yoshida. Applicant's attention is directed to Fig 8, 13A time information along with 13B, mask transmittance information, where the time information starting from 0 second to 10 second varying, alteration, accordingly with respect to the mask transmittance information, transparency, from 100% - 0%; where the time from 0 second - 10

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second is the elapsed time to be calculated and used accordingly with respect to the image data alteration. Applicant's attention is further directed to para 0150 - 0152, where time 0 is starting time, time x is predetermined time, where time y is the elapsed time. Further, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In this instant case, Myochin provided an teaching for an particular image/data display method that is primarily used in the car navigation system, see Para 0004; it therefore would be obvious for one of ordinary skill in the art to provide image/data display method of Myochin to the traffic information system as supplied by Yoshida.

In response to applicant's remark that Yoshida does not disclose transparency or transmittance. Applicant's attention is directed to Myochin, where Myochin shows the transparency.

In response to applicant's remark that Yoshida and Myochin is not physically combinable, Applicant's attention is directed to the Basic Requirements of a Prima Facie of Obviousness where MPEP § 2143.01 states the prior art must suggest the desirability of the claimed invention. Applicant's attention is further directed MPEP § 904.02(a) where indicates the proper classification search guideline for the prior art reference where the primary reference Yoshida et al (US Pat No. 6243637) classified in class 340/905, directed to external condition vehicle mounted indicator, cross reference with Myochin, classified in class 382/284, directed to image transformation or processing; where both the reference cross reference with applicant's



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application, class 701/200, directed to navigation data processing. Applicant's attention is further directed to MPEP § 2143.02 states reasonable expectation of success is required; obviousness requires only a reasonable expectation of success. Applicant's attention is further directed to Yoshida and Myochin, where Yoshida provides a known device and method, traffic information display system and device and Myochin provides known method for traffic information display method; where it is obvious for one of ordinary skill in the art to provide a known technique/method, that provided by Myochin, to a known device/method of Yoshida ready for improvement to yield predictable results. Applicant's attention is further directed MPEP § 2143.03 states where all the claim limitation need to be addressed. Applicant's attention is further direct to claim rejection where all the claim limitation has been addressed.

### ***Conclusion***

**13. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to IAN JEN whose telephone number is (571) 270-3274. The examiner can normally be reached on Monday - Friday 9:00-6:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ian Jen/  
Examiner, Art Unit 3664  
/KHOI TRAN/  
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